

MONTANA CHEMICAL DEPENDENCY CENTER POLICY AND PROCEDURE MANUAL

Policy Subject: Legal Interventions on Patients	Related Policies:
Policy Number: ADP 14	Standards/Statutes:
Effective Date: 10/30/2003	Page 1 of 2

PURPOSE: To define the parameters under which legal interventions will be executed on patients within the facility.

POLICY: No patient within the facility will have any legal intervention conducted or enforced by any entity, or released into the custody of any legal enforcement individual(s) or entity, without first consulting with, and receiving the approval of, the facility Administrator or their designee. Any and all disclosure of patient information, and /or release of the individual patient, will follow all criteria of the Federal Drug & Alcohol Confidentiality Law, 42 CFR, Part 2 and the Health Information Portability and Accountability Act (HIPAA) regulations.

PROCEDURE:

- I. Without exception, anyone presenting in the facility, or by telephone, indicating they are a legal entity, with legal authority to access patient information, or the patient, will be put on hold or asked to wait and the Administrator or their designee will be contacted immediately.
- II. Without letting the party making the request know any information, first determine if the patient has a signed release of information allowing us to disclose anything to the inquiring party.
- III. Any presentation of legal documents, which may include, but not limited to: court orders, subpoenas, search warrants, bench warrants, investigative authorizations, etc., may not automatically be assumed to allow any access to the patient or their information. Generally, do not comply with these documents without first consulting with the Administrator or their designee.

IV. No one in the facility has independent authority to authorize anyone to take a patient from the facility, under legal or other pretenses, without first consulting with, and receiving the approval of, the Administrator or their designee.

v. Facility and DPHHS policies on HIPAA and the Federal Confidentiality Law, 42CFR, Part 2 are the ultimate reference for any considerations regarding this issue. A publication titled "Confidentiality and Communication: A Guide to the Federal Drug & Alcohol Confidentiality Law and HIPAA", 2003 edition (or subsequent updates) published by the Legal Action Center is the most immediate guide and reference. Because of the complexity of this situation, consultation with DPHHS legal staff may be necessary, and will be utilized, if there is any question(s) relative to this issue.

Revisions: Rev Dates

Prepared By: Prepared by Preparer's Title Date Prepared
Name Title Date

Approved By: _____
David J. Peshek, Administrator Date